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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,287	03/16/2004	Johann Karl Kitta	KITTA ET AL.-1	3043
25889	7590	03/27/2006	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			ROY, ANURADHA	
			ART UNIT	PAPER NUMBER
			3736	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/801,287	Applicant(s) KITTA ET AL.	
	Examiner Anuradha Roy	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/16/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11, 14, 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 & 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/16/04 cont other</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS: 1/3/05 & 5/13/05</u> |

DETAILED ACTION

Restrictions

Applicant's election with traverse of Species III in the reply filed on February 16, 2006 is acknowledged. The traversal is on the ground(s) that Figures 4-6 be considered part of Species III and that Group III would necessarily include a search of the Species embodied in the remaining groups. The latter grounds of traversal are not found persuasive because a divergent search would be necessary to find elements of the remaining species and thus would be burdensome to the Examiner. However, Examiner is admitting Figures 4-6 into Species III.

The requirement is still deemed proper and is therefore made FINAL.

Claims 10, 11, 14, & 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on February 16, 2006.

Claim Objections

Claim 7 is objected to because of the following informalities: first "said" element is missing from the claim. For examination purposes, Examiner has assumed that "said" element is directed to the "unlocking mechanism" disclosed in claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

Art Unit: 3736

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, &12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (US Patent No. 5,769,826).

Regarding claim 1, Johnson et al. discloses a hollow needle holder comprising:

(a) a hollow needle container (10) having a first face (21) comprising a closable opening (20) and a second face (comprising elements within 80 through proximal end of element 30, as shown in Figure 1);

(b) a hollow needle fixing device (30 & 50) disposed on said second face (30) for receipt of a hollow needle (42) or an adapter for a hollow needle projecting through said hollow needle fixing device (30 & 50) into said hollow needle container;

and (c) an unlocking mechanism (70 & 72) for releasing the hollow needle or adapter after use so that the hollow needle or adapter falls into said hollow needle container after activation of said unlocking mechanism.

In regards to claim 2, Johnson et al. discloses a hollow needle holder, further comprising an anchoring device (32 & 60) releasably fixing said hollow needle fixing device in place on said hollow needle holder (Figure 1).

With regard to claim 3, Johnson et al. discloses a hollow needle holder, wherein said hollow needle fixing device (30 & 50) is engageable on the hollow needle holder (Figure 1 & 2).

Regarding claim 4, Johnson et al. discloses a hollow needle holder, wherein the hollow needle holder has a passage opening (100) for the hollow needle or the adapter and at least one attachment opening (17) for said hollow needle fixing device on said second face.

In regards to claim 5, Johnson et al. discloses a hollow needle holder, wherein said hollow needle fixing device has at least one flexible arm (arms of element 30) having a wedge-shaped projection for engagement on said hollow needle holder.

With regard to claim 6, Johnson et al. discloses a hollow needle holder, wherein said unlocking mechanism (70 & 72) has at least one slide (70) for releasing said anchoring device.

Regarding claim 7, Johnson et al. discloses a hollow needle holder according to claim 6, wherein said at least one slide has a guide (region between distal end of element 30 and proximal end of 18) engaging said anchoring device.

In regards to claim 9, Johnson et al. discloses a hollow needle holder, wherein said at least one slide (70) projects beyond an edge of said hollow needle container (Figure 1).

With regard to claim 12, Johnson et al. discloses a hollow needle holder, wherein said unlocking mechanism has a closure device (70) for closing said hollow needle container.

In regards to claim 13, Johnson et al. discloses a hollow needle holder, wherein said closure device comprises at least one slide (70).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Fujii et al. (US Patent No. 5,797,490).

With regard to claim 8, Johnson et al. discloses a hollow needle holder, wherein unlocking mechanism (70 & 72) has at least one slide (70) for releasing said anchoring device. However, Fujii et al. discloses a hollow holder (1), wherein two slides are

provided (22 & 23). It would have been obvious to one having ordinary skill in the art at the time the invention in view of Fujii et al. to incorporate a second slide with Johnson et al. to prevent any erroneous or accidental release of the needle from the holder that may be associated with a holder having a single slide.

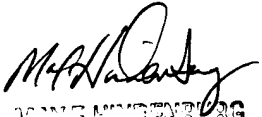
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anuradha Roy whose telephone number is (571) 272-6169 and whose email address is anuradha.roy@uspto.gov. The examiner can normally be reached between 8:00am and 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

~AR~


MAX HINDENBURG
PATENT EXAMINER
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